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875 THIRD AVENUE, NEW YORK, N.Y. 10022-6250

COPY

Mr. Bailey B
Mr. Haley
Mr. Secrest
Mr. Hough
Mr. Madaras
Appl

October 23, 1986

VIA AIR MAIL

Mr. John H. Bass
Reddie & Grose
16 Theobalds Road
London, WC1X 8PL
England

FTR 790
United States Pat. Appln. 939,758

Dear John:

We have enclosed a copy of a final Office Action in the above-identified application.

In the action, the Examiner maintains the rejections of claims 10, 14-15 and 17-18 under 35 U.S.C. § 102(e) "as being clearly anticipated" by United States patent 4,308,877 (Mattina et al.). Specifically, the Examiner asserts that Mattina et al. teaches the extraction of nitrates from tobacco stems via inoculation of tobacco with microorganisms under anaerobic conditions, followed by a filtration step for terminating the process after denitrification is complete.

In addition, claims 10-12 and 14-18 continue to stand rejected under 35 U.S.C. § 103 "as being unpatentable" over Mattina et al., in view of United States patent 2,317,792 (Moser et al.). The Examiner contends that Mattina et al. "essentially teaches the claimed anaerobic process" and that Moser et al. teaches "the inoculation of whole leaves under similar conditions."

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Claim 13 stands objected to "as being dependent upon a rejected base claim." The Examiner states that claim 13 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim.

In the action, the Examiner has requested that we inform him as to whether either of Luxembourg patent applications 77-272 or 77-872 were published or open to the public prior to the September 5, 1978 filing date of this application. Please let us know whether you have this information in your files or whether we should initiate an inquiry to determine the dates in question. Upon receipt of your instructions regarding this inquiry, we will prepare a response to the action for your review before the December 30, 1986 due date.

With best regards.

Very truly yours,

James F. Haley, Jr.
Margaret A. Pierri

JFH/MAP/nc

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